

FILED

OCT 06 2016

Clerk, U.S. District Court
District Of Montana
Helena

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRENDA MCDOUGALL,

Defendant,

TOWN PUMP,

Garnishee.

CR 07-148-GF-CCL

**FINAL ORDER IN
GARNISHMENT**

A writ of garnishment, directed to garnishee, has been duly issued and served upon the garnishee. Pursuant to the writ of garnishment, the garnishee filed an answer on or about July 18, 2016, stating that at the time of the service of

the writ, garnishee had in garnishee's possession, custody or control personal property belonging to and due defendant, that defendant is employed by the garnishee and earns regular wages from the garnishee.

On August 26, 2016, the defendant was notified of her right to a hearing and has not requested a hearing to determine exempt property.

On October 3, 2016, Plaintiff filed a request for entry of final order in garnishment. No responsive pleading has been filed.

IT IS THEREFORE ORDERED garnishee shall pay to plaintiff the lesser of a) 25% of defendant's disposable earnings or b) the amount by which defendant's disposable earnings exceed 30 times the federal minimum hourly wage.

"Disposable earnings" are those earnings remaining after deductions of any amount required by law to be withheld, such as social security and withholding taxes.

These payments shall be made at the same time the employee is paid and shall continue until the debt to the plaintiff is paid in full or the garnishee no longer has custody, possession or control of any property belonging to the debtor or until further order of this Court. Payments shall be sent to: Clerk of Court, 125 Central Avenue W., Suite 110, Great Falls, Montana 59401.

IT IS FURTHER ORDERED that any amounts which the garnishee may be holding pursuant to the writ of garnishment shall immediately be turned over to the United States Attorney at the above address.

DATED this 6th day of October, 2016.

A handwritten signature in black ink, appearing to read "Charles C. Lovell", written over a horizontal line.

CHARLES C. LOVELL

Senior United States District Court Judge

VICTORIA L. FRANCIS
Assistant U.S. Attorney
U.S. Attorney's Office
2601 Second Avenue North, Suite 3200
Billings, MT 59101
Phone: (406) 657-6101
FAX: (406) 657-6058
E-mail: Victoria.Francis@usdoj.gov

ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. BRENDA MCDOUGALL, Defendant, TOWN PUMP, Garnishee.	CR 07-148-GF-CCL REQUEST FOR ENTRY OF FINAL ORDER IN GARNISHMENT
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Plaintiff, United States of America, respectfully requests the court to enter the final order in garnishment in this matter pursuant to 28 U.S.C. §

3205. In support of this request, the United States respectfully states to the court the following:

1. An application for writ of garnishment was filed by the United States of America, and a writ of garnishment directed to garnishee was duly issued and served upon the garnishee.

2. Pursuant to the writ of garnishment, on or about July 18, 2016, the garnishee filed an answer stating that at the time of the service of the writ it had in its possession or under its control personal property belonging to and due defendant, in the form of earnings.

3. The defendant was served with a copy of the writ of garnishment and notified of her right to a hearing on August 26, 2016. The defendant has not requested a hearing within 20 days to determine exempt property as specifically notified in the notice of garnishment and instructions to the above named defendant or debtor served on her on August 26, 2016.

4. 28 U.S.C. § 3205(c)(7) states:

After the garnishee files an answer and if no hearing is requested within the required time period, the court shall promptly enter an order directing the garnishee as to the disposition of the judgment debtor's non-exempt interest in such property.

WHEREFORE, all conditions to the issuance of a final order in garnishment against the non-exempt earnings of the defendant are fully satisfied. The United States respectfully requests that a final order in garnishment be issued.

DATED this 3rd day of October, 2016.

MICHAEL W. COTTER
United States Attorney

/s/ Victoria L. Francis
Assistant U.S. Attorney
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2016, a copy of the foregoing document was served on the following persons by the following means:

<u>1</u>	CM/ECF
_____	Hand Delivery
_____	U.S. Mail
_____	Overnight Delivery Service
_____	Fax
_____	E-Mail

1. Clerk, U.S. District Court

2. Town Pump
P.O. Box 6000
Butte, MT 59702-6000

3. Brenda McDougall
Cut Bank, MT 59427

/s/ Victoria L. Francis
Assistant U.S. Attorney
Attorney for Plaintiff